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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Austria, Belgium, Bulgaria, Canada, Czech Republic, Estonia, Germany, Greece, Hungary, Iceland, Latvia, Lithuania, Monaco, Romania, San Marino, Spain, Sweden and United States of America: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Recalling its resolution 51/117 of 12 December 1996,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992,[3] in which the Commission, inter alia, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Taking note of Commission on Human Rights resolution 1997/64 of 16 April 1997, in which the Commission decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Noting with concern that the Government of Myanmar has not yet agreed to a visit by the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned at the travel and other restrictions placed on Aung San Suu Kyi and other political leaders and at continued arrests and harassment of members and supporters of the National League for Democracy, trade unionists and students for peacefully exercising their right to freedom of expression, assembly and association, at forced resignations of elected representatives and at the long closure of all universities and colleges following the student demonstrations in December 1996,

Recalling the withdrawal and subsequent exclusion from the National Convention of members of the National League for Democracy in late 1995,

Noting the contact between the Government of Myanmar and political parties, in particular the National League for Democracy, but regretting the failure of the Government of Myanmar to engage in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups,

Gravely concerned at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions, killings of civilians, torture, arbitrary arrest and detention, deaths in custody, absence of due process of law, including trial of detainees in secrecy without proper legal representation, severe restrictions on freedom of opinion, expression, assembly and association, violations of freedom of movement, forced relocation, forced labour by children as well as adults, including portering for the military, abuse of women and children by government agents, and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

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[3] See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Recalling also the conclusion of ceasefire agreements between the Government of Myanmar and several ethnic groups,

Noting that the human rights situation in Myanmar has resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report,[4] and urges the Government of Myanmar to cooperate fully with the Special Rapporteur and to ensure his access to Myanmar, without preconditions, in order to allow him fully to discharge his mandate;

2. Also expresses its appreciation to the Secretary-General for his report;[5]

3. Deplores the continued violations of human rights in Myanmar;

4. Notes that Nobel Peace Prize Laureate Aung San Suu Kyi was allowed to travel to the National League for Democracy's Thaketa township office to conduct peacefully normal political activities on 21 October 1997, but subsequently was blocked from attending party meetings of the National League for Democracy on 28 October 1997 in Mayangon Township, on 5 November 1997 in Tamwe Township and on 13 November 1997 in Hlaing Township, and requests the Government of Myanmar to permit unrestricted communication with and physical access to Aung San Suu Kyi and other political leaders by members and supporters of the National League for Democracy and to protect their physical well-being;

5. Strongly urges the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

6. Urges the Government of Myanmar to pursue its contacts with the National League for Democracy with a view to engaging, at the earliest possible date, in a substantive political dialogue with the National League for Democracy General Secretary Aung San Suu Kyi and other political leaders, including representatives of ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

7. Welcomes the visits to Myanmar in the first half of 1997 by the Envoy of the Secretary-General and the United Nations Director of the East Asia and the Pacific Division for the purpose of discussions with the Government and with

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[4] See A/52/484.

[5] A/52/587.

Aung San Suu Kyi and other political leaders, and further encourages the Government of Myanmar to broaden its dialogue with the Secretary-General and to facilitate access by his representative to the political leaders in Myanmar;

8. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and to ensure that political parties and non-governmental organizations can function freely;

9. Welcomes the holding of the Ninth Anniversary Conference of the National League for Democracy on 27 and 28 September 1997;

10. Expresses its concern that most of the representatives duly elected in 1990 are still excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new constitution, and that one of the objectives of the Convention is to maintain the participation of the armed forces in a leading role in the future political life of the State, notes also with concern that the composition and working procedures of the National Convention do not permit the elected representatives of the people freely to express their views, and concludes that the National Convention does not appear to constitute the necessary steps towards the restoration of democracy;

11. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

12. Also strongly urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, the right to fair trial and the protection of the rights of persons belonging to ethnic and religious minorities, to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions, and to fulfil its obligation to end impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

13. Calls upon the Government of Myanmar to implement fully the recommendations made by the Special Rapporteur;

14. Welcomes the accession by the Government of Myanmar on 22 July 1997 to the Convention on the Elimination of All Forms of Discrimination against Women;

15. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights, the International

Covenant on Economic, Social and Cultural Rights[4] and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;[5]

16. Strongly urges the Government of Myanmar to fulfil its obligations with regard to the Convention on the Rights of the Child,[6] as set out in the concluding comments of the Committee on the Rights of the Child;

17. Also strongly urges the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29), and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), of the International Labour Organization, and encourages the Government of Myanmar to cooperate more closely with the International Labour Organization, in particular with the Commission of Inquiry appointed in accordance with article 26 of the Constitution of the International Labour Organization;

18. Stresses the importance for the Government of Myanmar to give particular attention to improving the conditions in the country's jails and to allow the International Committee of the Red Cross to communicate freely and confidentially with prisoners;

19. Calls upon the Government of Myanmar and other parties to the hostilities in Myanmar to respect fully the obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949,[7] to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law and to avail itself of such services as may be offered by impartial humanitarian bodies;

20. Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

21. Requests the Secretary-General to continue his discussions with the Government of Myanmar in order to assist in the implementation of the present resolution and to report to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fourth session;

22. Decides to continue its consideration of this question at its fifty-third session.

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[4] Resolution 39/46, annex.

[5] Resolution 44/25, annex.

[6] United Nations, Treaty Series, vol. 75, Nos. 970-973.